

10A NCAC 13J .0901 is proposed for amendment follows:

10A NCAC 13J .0901 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

(1) "Activities of Daily Living" (ADL) means mobility, eating, bathing, dressing, toileting, and continence.

~~(1)~~ (2) "Agency" means a home care agency as defined in G.S. 131E-136(2).

~~(2)~~ (3) "Agency director" means the person having administrative responsibility for the operation of the agency.

~~(3)~~ (4) "Allied health personnel" means licensed practical nurses, physical therapy assistants, occupational therapy assistants or other health professionals as defined in occupational licensure laws that are subject to supervision by a health professional.

~~(4)~~ (5) "Appropriate professional" means a licensed health care professional or a person with a baccalaureate degree in social work or an individual who meets the job specifications established for a social worker by the Office of State Personnel.

~~(5)~~ (6) "Client" means an individual who receives home care services.

~~(6)~~ (7) "Clinical respiratory services" means the provision of respiratory equipment and services that involve the assessment of a client's pulmonary status, monitoring of a client's response to therapy and reporting to the client's physician. Procedures, include but not limited to: oximetry, blood gases, delivery of medication via aerosolization, management of ventilatory support equipment, pulmonary function testing and infant monitoring.

(8) "Extensive Assistance" means when a client is totally dependent or requires weight-bearing support while performing part of an activity, such as the guiding or maneuvering of limbs, and /or needs substantial or consistent "hands-on" assistance with mobility, eating, bathing, dressing, toileting, and continence and meets one of the following criteria:

(a) At a minimum requires extensive assistance in more than two activities of daily living (ADLs), as defined in Item (1) of this Rule; or

(b) Needs the in-home aide to perform at least one task at the nurse aide II level; or

(c) At a minimum requires extensive assistance in more than one ADL and has a medical or cognitive impairment as defined in Item (21) of this Rule that requires extended time to perform needed in-home aide tasks.

~~(7)~~ (9) "Department" means the North Carolina Department of Health and Human Services.

~~(8)~~ (10) "Follow-up care" means services provided to a licensed hospital's discharged clients in their homes by a hospital's employees. All services except pulmonary care, pulmonary rehabilitation or ventilator services shall not exceed three visits in any two month period and shall not extend beyond a 12 month period following discharge.

~~(9)~~ (11) "Geographic service area" means the geographic area in which a licensed agency provides home care services.

~~(10)~~ (12) "Governing body" means the person or group of persons having full legal authority for the operation of the agency.

~~(11)~~ (13) "Hands on care" means any home care service which involves touching the patient in order to implement the patient's plan of care.

~~(12)~~ (14) "Home care services" as used in these Rules means those services defined in G.S. 131E-136(3).

~~(13)~~ (15) "Home health agency" as used in this Chapter has the same meaning as that defined in G.S. 131E-136(4).

~~(14)~~ (16) "Infusion nursing services" means those services related to the administration of pharmaceutical agents directly into a body organ or cavity. Routes of administration include but are not limited to sub-cutaneous infusion, or intravenous, intraspinal, epidural or intrathecal infusion. Administration shall be by or under the supervision of a registered nurse in accordance with their legal scope of practice.

~~(15)~~ (17) "In-home aide" means an individual who provides hands-on care to home care clients.

~~(16)~~ (18) "In-home care provider" means any individual who provides home care services as enumerated in G.S. 131E-136.

~~(17)~~ (19) "In home aide services" are hands-on paraprofessional services which assist individuals, their family or both with essential home management tasks, personal care tasks, or supervision of the client's activities, or all of the above, to enable the individual, their family or both, to remain and function effectively at home as long as possible.

~~(18)~~ (20) "Licensed practical nurse" means a person duly licensed as such, holding a current license as required by G.S. 90-171.30.

(21) "Medical or cognitive impairment" for the purpose of this Rule is defined as a diagnosis and client assessment that documents at least one of the following:

- (a) Presence of continuous and/or substantial pain interfering with individual's activity or movement.
- (b) Dyspneic or noticeably short of breath with minimal exertion during the performance of ADLs and requires continuous use of oxygen.
- (c) Due to cognitive functioning, individual requires extensive assistance with performing ADLs. Individual is not alert and oriented or is unable to shift attention and recall directions more than half the time.

~~(19)~~ (22) "Medical social services" means those professional services provided to individuals in their homes by a medical social worker, or by a medical social worker assistant under the supervision of a medical social worker, when provided by an agency in conjunction with other nursing or therapy services provided by the same agency.

~~(20)~~ (23) "Medical social worker" means a person with a masters degree from a school of social work approved by the Council on Social Work Education who is eligible for certification by the North Carolina Social Work Certification Licensure Board as a Certified Master Social Worker.

~~(21)~~ (24) "Medical social worker assistant" means a person who has a baccalaureate degree in social work, psychology, sociology, or other field related to social work, and has had at least one year of social work experience.

~~(22)~~ (25) "Nursing registry" means a person or organization that maintains a list of nurses or in-home aides or both that is made available to persons seeking nursing care or in-home aide services but does not collect a placement fee from the worker or client, coordinate the delivery of services and supervise or control the provision of services.

~~(23)~~ (26) "Nursing services" means professional services provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse.

~~(24)~~ (27) "Occupational therapist" means a person duly licensed as such, holding a current license as required by G.S. 90-270.70.

~~(25)~~ (28) "Occupational therapist assistant" means a person duly licensed as such, holding a current license as required by G.S. 90-270.70.

~~(26)~~ (29) "Occupational therapy services" means professional services provided by a licensed occupational therapist or a licensed occupational therapist assistant under the supervision of a licensed occupational therapist.

~~(27)~~ (30) "Paraprofessional" means an in-home care provider who does not hold a professional license or professional certification and through the nature of their duties assists a professional.

~~(28)~~ (31) "On-call services" means unscheduled home care services made available to clients on a 24-hour basis.

~~(29)~~ (32) "Personal care" includes tasks that range from assistance to an individual with basic personal hygiene, grooming, feeding and ambulation to medical monitoring and other health care related tasks.

~~(30)~~ (33) "Physical therapist" means a person duly licensed as such, holding a current license as required by G.S. 90-270.29.

~~(31)~~ (34) "Physical therapist assistant" means a person duly licensed as such holding a current license as required by G.S. 90-270.29.

~~(32)~~ (35) "Physical therapy services" means professional services provided by a licensed physical therapist or a licensed physical therapist assistant under the supervision of a licensed physical therapist.

~~(33)~~ (36) "Physician" means a person licensed as such, holding a current license as required by G.S. 90-15.

~~(34)~~ (37) "Plan of care" means the written description of the authorized home care services and tasks to be provided to a client.

~~(35)~~ (38) "Premises" means the location or licensed site from which the agency provides home care services or maintains client service records or advertises itself as a home care agency.

~~(36)~~ (39) "Qualified" means suitable for employment as a consequence of having met the standards of education, experience, licensure or certification established in the applicable job description created and adopted by the agency.

~~(37)~~ (40) "Registered nurse" means a person duly licensed as such, holding a current license as required by G.S. 90-171.30.

~~(38)~~ (41) "Respiratory therapist" means a person who is credentialed by the National Board for Respiratory Care.

~~(39)~~ (42) "Respiratory practitioner" means those persons who provide clinical respiratory services in a client's home.

~~(40)~~ (43) "Scope of services" means those specific services provided by a licensed agency as listed on their home care license.

~~(41)~~ (44) "Survey" means an inspection by the Division of Health Service Regulation in order to assess the compliance of agencies with the home care licensure rules.

~~(42)~~ (45) "Social worker" means a person who meets the qualifications of the North Carolina Office of State Personnel for social workers.

~~(43)~~ (46) "Speech and language pathologist" means a person duly licensed as such, holding a current license as required by G.S. 90-294.

~~(44)~~ (47) "Speech therapy" means professional services provided by a licensed speech and language pathologist.

1 ~~(45)~~ (49) "Skilled Services" means all home care services enumerated in G.S. 131E-136(3) with the exception of in-
2 home aide services.

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4 *History Note: Authority G.S. 131E-140;*

5 *Eff. July 1, 1992;*

6 *RRC Objection due to lack of statutory authority Eff. November 16, 1995;*

7 *Amended Eff. February 1, 1996.*